

10/561,836

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)		
Applicant's or agent's file reference		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2004/001456	International filing date (day/month/year) 10.06.2004	Priority date (day/month/year) 19.06.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant VERNOIS, Goulven		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/ISA/237 (cover sheet) (January 2004)

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Box No. I	Basis of this opinion	International application No. PCT/FR2004/001456
<p>1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> <p>2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> <p>3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> <p>4. Additional comments:</p>		

Form PCT/ISA/237 (Box No. I) (January 2004)

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/FR2004/001456
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>1-8</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-8</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-8</u>	YES
	Claims _____	NO
2. Citations and explanations:		
<p>1. Reference is made to the following documents in the present notification:</p> <p style="margin-left: 40px;">D1: FR 2 712 104 A (C.P.G. CHABRERIE) 12 May 1995 (1995-05-12)</p>		
<p>2. Document D1, which is regarded as representing the most relevant prior art, describes:</p> <p style="margin-left: 40px;">Autonomous automatic dispenser (see abstract) of data comprising at least:</p> <p style="margin-left: 40px;">a mass memory means (see abstract),</p> <p style="margin-left: 40px;">a means of reading this mass memory (see abstract, page 2, lines 26-33),</p> <p style="margin-left: 40px;">a means of choosing the data of this mass memory (see abstract, page 2, lines 11-24),</p> <p style="margin-left: 40px;">a means of writing to media independent of the data chosen (see abstract, page 2, line 35 - page 3, line 5),</p> <p style="margin-left: 40px;">a means of payment of the independent medium and the data chosen (see abstract),</p> <p style="margin-left: 40px;">a reserve of independent media (page 8,</p>		

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/FR2004/001456
Box No. V	Reasoned statement under Rule 43bis1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement	
<p>lines 22-32),</p> <p>a means of making available the independent medium containing the data chosen (page 6, lines 14-18), an independent data medium being a portable autonomous means possessing at least one means of storage of information, and being able to be hooked up with the means of writing the chosen data, for example an optical disk (see abstract).</p> <p>from which the subject matter of independent claim 1 differs in that:</p> <p>there exists in this dispenser a sealed housing free of oxygen containing at least:</p> <p>a means of writing the blank independent media,</p> <p>a means of introducing the blank independent media into this sealed housing,</p> <p>a means of extracting the independent media from their package,</p> <p>a means of storing these blank independent media outside of their package,</p> <p>a stock of sealed individual packages that can contain a written independent medium, or the materials and the means of manufacturing such sealed individual packages,</p> <p>a means of individual packaging of the written independent media, using the packages stored or manufactured, or reusing the original individual packages, a means of removing from the sealed housing these packaged written independent media.</p> <p>2.1 The subject matter of claim 1 is therefore novel</p>		

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WRITTEN OPINION OF THE
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Box No. V

Reasoned statement under Rule 43bis1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(PCT Article 33(2)). The problem to be solved by the present invention may be regarded as:

The adaptation of the data dispenser described by D1 so that it is capable of providing data chosen by the user on media whose material undergoes a change under the influence of oxygen, rendering it unsuitable for reading after a certain time or after a certain number of reads.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33 (3)), because it does not result in an obvious manner from the prior art.

- 2.2 The combination of the features of dependent claims 2-8 is not included within the prior art and does not follow therefrom in an obvious manner. The subject matter of claims 2-8 is therefore novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).

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International application No.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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See form 210

Form PCT/ISA/227, Box No. VI (January 2004)